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APPLICATION N	0.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/717,711		11/21/2003	Giacomo Bolis	003-095 8849		
36844	7590	05/04/2006		EXAMINER		
CERMA	K & KE	NEALY LLP	VERDIER, CHRISTOPHER M			
515 E. BR SUITE B	ADDOC	CK RD	•	ART UNIT	PAPER NUMBER	
	DRIA, '	VA 22314	. 3745			
				DATE MAILED: 05/04/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	olication No. Applicant(s)	
Office A. 4	0	10/717,711	BOLIS ET AL.	
Office Actio	on Summary	Examiner	Art Unit	
		Christopher Verdier	3745	
The MAILING DA Period for Reply	TE of this communication app	pears on the cover sheet with the	correspondence ad	ldress
WHICHEVER IS LONG - Extensions of time may be available after SIX (6) MONTHS from the - If NO period for reply is specifie - Failure to reply within the set or	ER, FROM THE MAILING DA ilable under the provisions of 37 CFR 1.1: e mailing date of this communication. ed above, the maximum statutory period ver extended period for reply will, by statute e later than three months after the mailing	Y IS SET TO EXPIRE 3 MONTH ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE g date of this communication, even if timely file	N. mely filed the mailing date of this c ED (35 U.S.C. § 133).	
Status				
2a)⊠ This action is FIN. 3)□ Since this applica	tion is in condition for allowar	ebruary 2006. action is non-final. nce except for formal matters, pre ex parte Quayle, 1935 C.D. 11, 4		e merits is
Disposition of Claims				
4a) Of the above of 5)⊠ Claim(s) <u>7</u> is/are a 6)⊠ Claim(s) <u>1,3,5,6 a</u> 7)□ Claim(s) is.	nd 8-14 is/are rejected.	wn from consideration.		
Application Papers				
10) The drawing(s) file Applicant may not re Replacement drawin	equest that any objection to the ng sheet(s) including the correct	r. re: a)⊠ accepted or b)□ objec drawing(s) be held in abeyance. Se ion is required if the drawing(s) is ob caminer. Note the attached Office	e 37 CFR 1.85(a). ojected to. See 37 C	FR 1.121(d).
Priority under 35 U.S.C. §	119			
12) Acknowledgment i a) All b) Some 1. Certified co 2. Certified co 3. Copies of the	s made of a claim for foreign	s have been received in Applicat rity documents have been receive	ion No ed in this National	Stage
Attachment(s)	VDTO 000)	,, , , , , ,		
	ent Drawing Review (PTO-948) ement(s) (PTO-1449 or PTO/SB/08)	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F		O-152)

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Applicant's amendment dated February 23, 2006 has been carefully considered. Claims 1, 3, and 5-14 are pending. The abstract has been amended to overcome the objections thereto in the Office action of August 23, 2005. The claims have been amended to overcome the informalities therein as set forth in the above Office action. Correction of these matters is noted with appreciation.

Applicant has stated concerning the rejection of claims 2-7 and 10-14 under 35 U.S.C. 112, first paragraph as set forth in the above Office action that although the applicant disagrees that the preliminary amendment to the claims (of November 21, 2003) amending the claims to change "essentially" to "substantially" fails to satisfy the written description requirement (i.e. adds new matter), applicant has revised the claims to recite the word "essentially" in order to advance prosecution. Applicant's amendment is appreciated. The examiner notes, however, that amended claim 1, lines 3-4 recite that the plurality of tubular elements is arranged <u>parallel</u> to the direction of flow of the intake air flow, not "essentially parallel" as applicant as stated. Thus, the claim should be amended to recite that the plurality of tubular elements is arranged essentially parallel to the direction of flow of the intake air flow in order to overcome the rejection.

Terminal Disclaimer

The terminal disclaimer filed on February 23, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of copending application 10/711,712 has been reviewed and is accepted. The terminal disclaimer has been recorded.

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Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3, 5-6, and 8-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1, lines 3-4 have been amended to claim that the tubular elements are arranged parallel to the direction of flow of the intake air flow. The specification is limited to the tubular elements being arranged essentially parallel to the direction of flow of the intake air flow. Therefore, the addition of the limitation "parallel" adds new matter. In claim 1, line 3, "parallel" should be changed to -- essentially parallel -- in order to correct this.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8, line 3 recites "nozzles". Claim 1 has been amended to incorporate the

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limitations of claims 2 and 4. Therefore, in claim 8, line 3, "nozzles" is a double recitation of the "nozzles" recited in claim 1, line 6.

Allowable Subject Matter

Claim 7 is allowed.

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

Claims 3, 5-6, and 9-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st and 2nd paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V. April 29, 2006

Christopher Verdier Primary Examiner Art Unit 3745